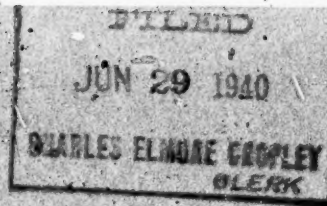


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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

No. 192

KATE B. GOLTRA AND E. FIELD GOLTRA, JR., EXECU-
TORS OF THE ESTATE OF EDWARD F. GOLTRA, DECEASED
Appellants,

vs.

THE UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

STATEMENT OF JURISDICTION.

HERMAN J. GALLOWAY,
FREDERICK W. P. LORENZEN,
Counsel for Appellants.

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Appellants,

vs.

THE UNITED STATES.

**STATEMENT IN SUPPORT OF JURISDICTION ON
CROSS-APPEAL AS REQUIRED BY RULE 12.**

Pursuant to Rule 12, the above plaintiffs file this their statement showing the basis on which said plaintiffs contend that the Supreme Court has jurisdiction to review on appeal the judgment appealed from herein, as follows:

I. The statute believed to sustain appellate jurisdiction is Private Act No. 69, enacted at the Second Session of the Seventy-third Congress of the United States and approved by the President on April 18, 1934 (48 Stat. 1322), which is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America Congress assembled, That jurisdiction is hereby conferred upon the Court of Claims of the United States, whose duty

it shall be, notwithstanding the lapse of time or the bar of any statute of limitations or previous court decisions, to hear, consider, and render judgment on the claims of Edward F. Goltra against the United States for just compensation to him for certain vessels and unloading apparatus taken, whether tortiously or not, on March 25, 1923, by the United States under orders of the Acting Secretary of War, for the use and benefit of the United States; and any other legal or equitable claims arising out of the transactions in connection therewith: *Provided*, That separate suits may be brought with respect to the vessels and the unloading apparatus, but no suit shall be brought after the expiration of one year from the effective date of this Act: *Provided further*, That either party may appeal as of right to the Supreme Court of the United States from any judgment in said case at any time within ninety days after the rendition thereof, and any judgment rendered in favor of the claimant shall be paid in the same manner as other judgments of said Court of Claims are paid."

II: The judgment, from a part of which this cross-appeal is taken, was made and entered on the 1st day of April, 1940.

III. The application for cross-appeal was allowed on the 25th day of June, 1940.

IV. The cross-appeal herein is from a part of a judgment entered in an action brought under said private jurisdictional act quoted in paragraph numbered I above, and, accordingly, this cross-appeal is precisely within the language of the last proviso of the Act

"That either party may appeal as of right to the Supreme Court of the United States from any judgment in said case at any time within ninety days after the rendition thereof, * * *"

V. It is believed that the precise wording of the said private jurisdictional Act is sufficient to sustain the jurisdiction herein. *Sioux Indians v. United States*, 277 U. S. 424, 427.

Dated: June 24, 1940.

Respectfully submitted,

DWIGHT, HARRIS, KOEGEL & CASKEY,
Attorneys for Plaintiffs.

(8754)